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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,253	06/27/2001	James Brian Vrotacoe	600.1169	3283

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EXAMINER

COLILLA, DANIEL JAMES

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 02/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,253

Applicant(s)

VROTACOE ET AL.

Examiner

Dan Colilla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/11/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,7. 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “base” (as recited in claim 11, line 2) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

On page 8, paragraph 54, page 9 paragraph 60, and page 10, line 2 the reference numeral **22** has been used in association with a “translating device” and on page 10 in paragraphs 59 and 60 it is also used in association with “release tape.”

On page 10, paragraph 65, line 1, “between after” appears to be a typographical error.

Appropriate correction is required.

Claim Objections

3. Claims 11-16 are objected to because of the following informalities:

In claim 11, line 3, it appears that the second occurrence of “as” should actually be --a--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 11-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, applicant recites that the polymer is applied over the application so as to from a flexible inner tubular sleeve. This language is taken to mean that both the application layer and the polymer layer together form the sleeve. This understanding is reinforced by applicant's recitation that, "at least one of the application layer and the polymer being an innermost layer of the tubular sleeve." Since it is recited that either of the layers can be the innermost layer, it is concluded that both layers make up the sleeve.

It is not clear then, how the polymer could be the innermost layer when the polymer is applied *over* the application layer as recited in line 3 of claim 11. This language would indicated that the application layer must *always* be the innermost layer.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Bresson et al.

With respect to claim 11, Bresson et al. discloses a method of forming a tubular printing blanket including the step of applying an application layer 10 to a cylinder, (Bresson et al., col. 8, lines 41-52) and applying a polymer 5 (Bresson et al., col. 6, lines 2-11) over the application layer 10 as shown in Figure 8 of Bresson et al. Further disclosed is a printing layer 6, and the application layer 10 is the innermost layer.

With respect to claim 12, Bresson et al. discloses a compressible layer 4.

8. Claims 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Bresson et al.

With respect to claim 11, Bresson et al. discloses a method of forming a tubular printing blanket including the step of applying an application layer 10 to a cylinder, (Bresson et al., col. 8, lines 41-52), applying a polymer 4 (Bresson et al., col. 4, lines 55-68) over the application layer 10 as shown in Figure 8 of Bresson et al. Further discloses is a printing layer 6, and the application layer 10 is the innermost layer.

With respect to claim 13, Bresson et al. discloses that the application layer (carrier 10) can be removed so that it may be used when the useful life of the blanket has expired (Bresson et al., col. 11, lines 15-22).

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9. Claims 11 and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Palmatier et al.

With respect to claims 11 and 15, Palmatier et al. discloses a method of forming a tubular printing blanket including the step of applying an application layer 33 to a cylinder 11 as it rotates (Palmatier et al., col. 5, lines 63-67), applying a polymer layer 40 over the application layer 33, and applying a plastic strip 45 with a print layer 45 on the outermost surface. The application layer 33 is the innermost layer.

With respect to claim 14, the application layer 33 is applied by winding tapes 30 and 31 as shown in Figure 1 of Palmatier et al.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bresson et al.

Bresson et al. discloses the claimed method of forming a tubular printing blanket except for the step of compressing the printing blanket as recited in claim 16. However a flexible printing blanket may be compressed when handled or transported or in the process of removing or applying to a printing press. There does not appear to be any unobviousness involved in this step. Nor does there appear to be any criticality to the step of compressing the blanket in the recited method of forming the tubular printing blanket.

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12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rossini et al, Tittgemeyer and Nakamura et al. are cited to show other examples of methods of producing printing blankets on a base.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (703) 308-2259. The examiner can normally be reached M-F, 8:30-5:30. Faxes regarding this application can be sent to (703) 746-4405.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (703)305-6619. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Dan Colilla
Primary Examiner
Art Unit 2854

February 4, 2003